

ENTERED

August 12, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA

VS.

AUGUST RENE YBABEZ

Defendant.

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CRIMINAL ACTION NO. 6:21-CR-76-002

**MEMORANDUM OPINION AND ORDER DENYING MOTION TO SET BOND
AND ORDER OF DETENTION PENDING TRIAL**

Pending is Defendant August Rene Ybabez' motion to set bond. (D.E. 57). A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The motion is **DENIED**. The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(B); and

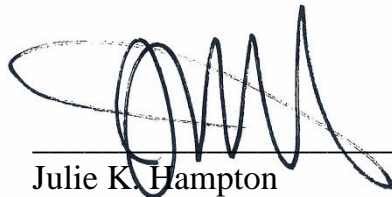
(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets the probable cause standard, as a Federal Grand Jury has true-billed an indictment. The defendant is charged with a serious offense involving a significant amount of methamphetamine, is currently on felony probation until

2031, is on bond for a D.W.I. offense, has four prior felony convictions, and was on bond at the time the instant offense is alleged to have been committed. He is a poor candidate for bond. The findings and conclusions in the U.S. Pretrial Services Report and Amended Report are adopted by this Court.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED on August 12, 2021.



Julie K. Hampton
United States Magistrate Judge